

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1) (Original) A particulate composition comprising;

- a) at least 50% of at least one structure forming amphiphile,
- b) 0 to 40% of at least one structure swelling amphiphile, and
- c) 2 to 20% of at least one dispersion stabilising polymeric amphiphile,

wherein all parts are by weight relative to the sum of the weights of a+b+c and wherein the composition comprises non-lamellar particles or forms non-lamellar particles when contacted with an aqueous fluid and wherein if component b) is 0% then component a) comprises at least two structure forming amphiphiles.

2) (Original) A particulate composition as claimed in claim 1, said composition comprising;

- a) at least 50% of at least one structure forming amphiphile,
- b) 2 to 40% of at least one structure swelling amphiphile, and
- c) 2 to 20% of at least one dispersion stabilising polymeric amphiphile,

wherein all parts are by weight relative to the sum of the weights of a+b+c and wherein the composition comprises non-lamellar particles or forms non-lamellar particles when contacted with an aqueous fluid.

3) (Currently Amended) A composition as claimed in claim 1 ~~or claim 2~~ wherein the amphiphilic components comprise at least 50% by weight amphiphiles having an

aqueous solubility of less than  $10^{-9}$  M at 25°C, relative to the total weight of components a+b+c.

4) (Currently Amended) A composition as claimed in claim 1 ~~or claim 2~~ wherein the amphiphilic components comprise at least 70%, by weight amphiphiles having an aqueous solubility of less than  $10^{-9}$  M at 25°C, relative to the total weight of components a+b+c.

5) (Currently Amended) A composition as claimed in ~~any of claims~~ claim 1 ~~to 4~~ wherein component a) comprises at least one lipid component selected from phospholipids, glycolipids, and diglycerides.

6) (Currently Amended) A composition as claimed in ~~any of claims~~ claim 1 ~~to 5~~ wherein component b) comprises at least one swelling agent selected from polyoxyethylene alkylethers, polyoxyethylene sorbitan fatty acid esters, polyoxyethylene fatty acid esters, polyoxyethylene castor oil ~~derivatives~~ derivatives or polyoxyethylene lipid derivatives.

7) (Currently Amended) A composition as claimed in ~~any of claims~~ claim 1 ~~to 6~~ wherein component c) comprises at least one polymeric agent selected from poloxamers, PEG-glyceroldioleate, PEG fatty acid esters or PEG-phospholipids.

8) (Currently Amended) A composition as claimed in ~~any of claims~~ claim 1 ~~to 7~~ wherein said non-lamellar particles comprise  $L_3$  phase and/or reversed hexagonal phase.

9) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 8 additionally comprising at least one active agent.

10) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 9 wherein component a) comprises a cationic lipid at a level of 1-10% by weight and the composition further comprises at least one nucleic acid active agent.

11) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 10 wherein said non-lamellar particles have a particle size of 10 to 200 µm.

12) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 11 wherein said non-lamellar particles are colloidal.

13) (Original) A composition as claimed in claim 12 wherein said non-lamellar particles are stable, both in terms of phase behaviour and particle size, to storage at room temperature for at least 10 days.

14) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 13 which is non-haemolytic up to a concentration of 0.2% total amphiphile.

15) (Currently Amended) A composition as claimed in ~~any of claims~~claim 1 to 14 which is non-haemolytic up to a concentration of 1% total amphiphile.

16) (Currently Amended) A pharmaceutical formulation comprising at least one composition as claimed in ~~any of claims~~ claim 1 to 15 and at least one biologically tolerable carrier or excipient.

17) (Currently Amended) A kit suitable for establishing a biologically tolerable formulation of an active agent, said kit comprising at least one composition as claimed in ~~any of claims~~ claim 1 to 8.